

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE; NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

Case No. 2:12-md-02323-AB

MDL No. 2323

The Honorable Anita B. Brody

Kevin Turner and Shawn Wooden, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

National Football League and NFL Properties
LLC, successor-in-interest to NFL Properties,
Inc.,

Defendants.

THIS DOCUMENT RELATES TO: ALL
ACTIONS

**DECLARATION OF MICHAEL D. ROTH IN SUPPORT OF OPPOSITION OF
RD LEGAL FUNDING, LLC, RD LEGAL FINANCE, LLC, RD LEGAL FUNDING
PARTNERS, LP, AND RONI DERSOVITZ TO CLASS COUNSEL'S MOTION TO
COMPEL DISCOVERY RESPONSES**

DECLARATION OF MICHAEL D. ROTH

I, MICHAEL D. ROTH, declare and state as follows:

1. I am an attorney admitted to practice in the State of California. I am a partner at Boies Schiller Flexner LLP, counsel for RD Legal Funding, LLC, RD Legal Finance, LLC, RD Legal Funding Partners, LP, and Roni Dersovitz (collectively, "RD Legal"). I submit this declaration in support of RD Legal's Opposition to Class Counsel's Motion to Compel. I have personal knowledge of the facts stated herein, and could and would testify competently thereto if called as a witness in this matter.

2. On July 25, 2017, Class Counsel served a single document entitled Requests for Production of Documents and Interrogatories on RD Legal. RD Legal served a Response to the discovery on August 8, 2017, objecting to each request on numerous grounds. The transmittal letter accompanying RD Legal's Response further explained and provided legal authority for the Response, and invited Class Counsel to provide any authority it believed authorized the discovery requests. Class Counsel responded by letter dated August 16, 2017, but did not respond to the authority provided by RD Legal or cite to any authority that authorized its non-party discovery. A true and correct copy of Class Counsel' letter is attached hereto as Exhibit 1.

3. On August 18, 2017, my colleague David Willingham and I conferred by telephone with Class Counsel TerriAnne Benedetto regarding RD Legal's Response. Ms. Benedetto maintained that Class Counsel was not obligated to comply with Federal Rule of Civil Procedure 45 to obtain discovery from RD Legal, but did not address any of the remaining objections raised in RD Legal's Response. The parties were unable to resolve their dispute.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed August 29, 2017, at Los Angeles, California.


MICHAEL D. ROTH